

## CIVIL SERVICE COMMISSION MINUTES

April 4, 2001

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Mary Gwen Brummitt  
Gordon Austin  
Barry I. Newman  
Sigrid Pate

Absent was:

Roy Dixon

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer  
Ralph Shadwell, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

CIVIL SERVICE COMMISSION MINUTES  
April 4, 2001

NO CLOSED SESSION

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego,  
California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
8, 9, 12	5, 7		3, 4

COMMENTS Motion by Austin to approve all items not held for discussion;  
seconded by Pate. Carried.

**REGULAR AGENDA**  
**County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and it is approved by the President of the Commission.

**MINUTES**

1. Approval of the Minutes of the regular meeting of March 7, 2001.

**Approved.**

**CONFIRMATION OF ASSIGNMENTS**

2. Commissioner Austin: Wendell Prude, S.E.I.U. Local 2028, on behalf of **Amparo Martinez**, former Records and ID Clerk II, Sheriff's Department, appealing an Order of Termination and Charges by the Sheriff's Department.

**Confirmed.**

**WITHDRAWALS**

3. Commissioner Austin: Richard L. Pinckard, Esq., on behalf of **Roger Baggett**, Corrections Deputy Sheriff, appealing an Order of Suspension and Reassignment, and Charges from the Sheriff's Department.

**Withdrawn.**

4. Commissioner Dixon: Richard L. Pinckard, Esq., on behalf of **Pearl Janulewicz**, Deputy Sheriff, appealing Citizens' Law Enforcement Review Board's (CLERB) findings.

**Withdrawn.**

## **RESIGNATION UPON FAILURE TO RETURN AFTER LEAVE**

5. **Luis Cortes**, former Eligibility Technician, Health and Human Services Agency (HHSA), appealing a letter of Resignation Upon Failure to Return After Leave by the HHSA.

RECOMMENDATION: Continue to the regular Commission meeting on May 16, 2001, or sooner, at the request of HHSA and concurrence of Mr. Cortes.

**Staff recommendation approved. Continued.**

## **SELECTION PROCESS**

### **Complaints**

6. **Pamela Aguilar**, appealing her non-selection for the classification of Intermediate Clerk Typist in the Health and Human Services Agency.

RECOMMENDATION: Deny Request.

**Staff recommendation approved.**

7. **Richard Poole**, appealing the Department of Human Resources' decision to not place him on the employment list for the classification of Supervising Community Health Promotion Specialist.

RECOMMENDATION: Continue to the next Civil Service Commission meeting pending input from the Department of Human Resources.

**Staff recommendation approved. Continued.**

## **RECONSIDERATION**

8. **Michael Rossler**, Housing Specialist I, requesting reconsideration of the Commission's March 7, 2001 decision regarding his selection process complaint against the Department of Housing and Community Development.

RECOMMENDATION: Deny Request.

Mr. Rossler explained to the Commission that he is a 6 year employee with the Department with an above-standard performance record and was not promoted to HS II due to an alleged biased interviewer. He requested a hearing regarding his non-selection.

Ron Barefield, a Program Manager in HCD, addressed the Commission on behalf of the Department. He explained the HS II selection process in which Mr. Rossler was a candidate. The promotions were given after a recommendation from two interviewers and a consensus of all supervisors. Mr. Barefield did acknowledge that Employee was a loyal, hard-working team player, with the skills required of an HS II. However, he also explained that Employee needed some additional assistance in one area in which Mr. Barefield offered his help. He stated that there are current openings for future promotions to HS II.

Commissioners expressed concern that a promotional decision had been made by a supervisor who may have been biased against Employee. There was also concern expressed about lack of documentation on Employee's performance appraisals identifying deficiencies.

Larry Cook, Executive Officer, reminded the Commission that staff had

previously recommended denial of Employee's request for a hearing because the selection process was well-structured, and the interviewers' reasons for non-selection of Employee were sound. He also reminded the Commission that it was the appointing authority's ultimate decision to promote or not promote an individual. A hearing could identify some personnel problems within the Department that could result in recommended improvements in future selection processes, but the Commission would be limited in providing other remedies.

**Motion by Austin for reconsideration and a Rule X hearing.  
Seconded by Newman.**

Pate           -- No  
Brummitt     -- No  
Dixon         -- Absent

**The Motion failed for lack of majority vote.**

The Commission then directed the Executive Officer to communicate with the Department via written correspondence setting forth concerns brought by Employee, requesting the appointing authority to respond to the specific allegations.

**(The Executive Officer was re-directed to meet with various personnel in the Department, together with Commissioner Austin, to gather information regarding the allegations set forth. Please see Agenda Item. No. 9 below.)**

9. **Alvin Williams**, Housing Specialist I, requesting reconsideration of the Commission's March 7, 2001 decision regarding his selection process complaint against the Department of Housing and Community Development.

RECOMMENDATION: Deny Request.

Mr. Williams explained to the Commission that his request for reconsideration was based on the fact that he failed the interview process due to responses he feels were misconstrued. Further, Mr. Williams stated that he had personality issues with one of his supervisors, who was on the interview panel at the time of the selection process.

Commissioner Austin expressed concern regarding this matter as well as item no. 8 above, in that both employees expressed conflict with the same supervisor. He suggested a hearing as the avenue in which to examine the allegations set forth. Other Commissioners expressed that perhaps a hearing was not warranted because of limited remedies.

Executive Officer, Larry Cook, suggested the option of an informal discussion with the Department Head and staff in an effort to determine the merit of the allegations.

Commissioner Newman recommended that the Commission direct and authorize CSC staff, with the participation of Commissioner Austin to look into allegations stated in both Agenda Item Nos. 8 and 9 by meeting with various personnel in the Department with respect to the concerns of Mr. Rossler and Mr. Williams.

**Motion by Newman to authorize a meeting with the Department regarding Agenda Item Nos. 8 and 9. Seconded by Pate. Carried.**

## **DISCRIMINATION**

### **Findings**

10. Commissioner Austin: **Robert Crayton**, former Stock Clerk, Sheriff's Department, alleging race discrimination by the Sheriff's Department.

#### **FINDINGS & RECOMMENDATIONS:**

At the regular meeting of the Civil Service Commission on January 17, 2001, the Commission appointed Gordon Austin to investigate the complaint submitted by Complainant. The complaint was referred to the Office of Internal Affairs for investigation and report back. The report of OIA was received and reviewed by the Investigating Officer, who concurred with the findings that complainant failed to establish a prima facie case of discrimination against the Sheriff's Department. Further, there was no evidence to support Complainant's allegations of race discrimination, and probable cause that the Sheriff's Department engaged in any discriminatory act against him. It is therefore recommended that: (1) this complaint be denied; and (2) the Commission approve and file this report with a findings of no probable cause that Complainant has been discriminated against.

**Motion by Austin to approve Findings and Recommendations.  
Seconded by Newman. Carried.**

## **INVESTIGATIONS**

11. **James Toothaker**, Supervising Probation Officer, Department of Probation, requesting an investigation into the personnel practices of the Department of Probation.

RECOMMENDATION: Deny Request. (Continued from Commission meeting of January 17, 2001.)

**Staff recommendation approved.**

## **OTHER MATTERS**

### **Seal Performance Appraisal**

12. **Jagdish Bohla**, Senior Civil Engineer, Department of Public Works, requesting the sealing of a Performance Appraisal for the period January 14, 2000 to January 14, 2001.

RECOMMENDATION: Refer to Department appeal process. Deny request for sealing without prejudice.

Mr. Bohla addressed the Commission regarding the process in which he was given a performance appraisal and his request to seal the appraisal. Mr. Bohla explained that he was not given a one-on-one opportunity to discuss his performance appraisal with his supervisor, but instead was given the appraisal with instructions to review and sign the document within a few days. He believes that this was in conflict with DHR's policy, as it outlines a "2-way communication" during working hours.

Deputy County Counsel Tony Albers stated that he found it very favorable that Mr. Bohla and his supervisor were currently on good terms and requested that staff recommendation be accepted in order for

Mr. Bohla to commence his appeal process. Mr. Albers suggested that the commencement of the appeal process be calendared as soon as possible. Commission staff, with the approval of Mr. Bohla, agreed to start the appeal process on April 4, 2001, the date of this meeting.

**Motion by Austin to accept staff recommendation. Seconded by Pate. Carried.**

### **Extension of Temporary Appointments**

#### **13. Health and Human Services Agency**

- A. 3 Social Worker I's (Laverne Conetsco, Darnetta Key, Arlene Greene)
- B. 3 Residential Care Worker Trainee's (Stacey Bellinger, Nancy Cortes, Desirea Cole)
- C. 1 Residential Care Worker I (Salvader Rios)
- D. 21 Protective Services Worker I's (Cleo Thurmond, Samantha Anderson, Julie Weathersby, Sara Whitney, Noreen Harmelink, Angela Coggs, Becky Barnes, Nicholas Ngo, Roberta Nolta, Jamie Jessen, Alan Groves, Maria Lowder, Julie Smith, Arlene Balagtas, Lidia Briano, Marlene Dugan, Roslyn Reece, Kathleen Pignataro, Mitsuru Ramirez, Andrew Gerdeman, Laura Bridges)
- E. 21 Eligibility Technicians (Blanca Rodriguez, Delanda McCrary, Jennifer Elkins, Araceli Manzo, Elizabeth Medow, Linda Read, Adriana Tapia, Leticia Rivas, Betty Hebert, Chau Tran, Amber Vongvisai, Tami Snyder, Mary Wainwright, Fame Chanelle, Florence Medina, Jerri Foley, Juliet Hancock, Jamie Guerrero, Kathryn Stone, Corine Fitzpatrick, Catherine Dilts)

#### **14. Agriculture, Weights & Measures**

- A. 1 Insect Detection Specialist I (Joseph Zumello)
- B. 2 Supervising Agricultural/Standards Inspector (Delores Brandon, Paul Davy)
- C. 1 Legal Assistant I (Tawnie Makua)

#### **15. Department of Public Works**

- 1 Personnel Aide (Patricia Cabello)

RECOMMENDATION: Ratify Item Nos. 13-15.

**Item Nos. 13-15 ratified.**

#### **16. Public Input.**

ADJOURNMENT: 3:40 p.m.

**NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE MAY 2, 2001.**